

HOUSE BILL 4252

By Hensley

AN ACT to amend Chapter 457 of the Acts of 1901; as amended and rewritten by Chapter 17 of the Private Acts of 2001; and any other acts amendatory thereto, and to repeal certain acts, relative to the City of Lawrenceburg.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article I, by deleting Section (B) in its entirety and by substituting instead the following:

(B) The boundaries of the city shall be those fixed by Chapter 457 of the Acts of 1901, as amended, and as extended and contracted by ordinance of the city passed under the general law of the state governing annexations and contractions; and as further amended pursuant to the general laws of the state, and any subsequent annexation or detachment of territory made pursuant to law. Copies of ordinances are available at the office of the city recorder.

SECTION 2. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article II, Section (A) by deleting paragraph (28) in its entirety and by renumbering the subsequent paragraphs in their entirety.

SECTION 3. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article III, Section (C) by inserting the following language between the first and second sentences:

Nonresident property owners shall be entitled to no more than two (2) votes per parcel of property.

SECTION 4. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter

17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV, is amended by deleting Section (B) in its entirety and by redesignating the subsequent sections accordingly.

SECTION 5. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV by deleting from Section (C) the language "first day of July of."

SECTION 6. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article III by deleting Section (A) in its entirety and by substituting instead the following:

(A) A general city election shall be held on the first Tuesday following the first Monday in November beginning in 2010 and every two (2) years thereafter. The present commissioners elected in 2005 shall have their terms of office extended until the first Tuesday following the first Monday in November, 2010 to coincide with the state and federal general election date. The present mayor and commissioners elected in 2007 shall have their terms of office extended until the first Tuesday after the first Monday in November, 2012 to coincide with the state and federal general election date. Those elected shall take office on December 15<sup>th</sup> following the election. The terms of office for Mayor and council members shall be for four (4) years.

SECTION 7. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IV by deleting Section (E) in its entirety and by substituting instead the following:

(E) The Board of Mayor and Council may, by ordinance, set the annual salary and fringe benefits of the Mayor and council members, but any ordinance establishing, increasing, or decreasing such salary shall be in accordance with Article XI, Section 9 of the Tennessee Constitution. The salary of the council members shall be no less than five thousand dollars (\$5,000) annual salary paid in no more than monthly installments.

The Mayor and council members shall be entitled to reimbursement for the

expenses they incur in the performance of the duties of their offices, under the provisions of the adopted travel and reimbursement ordinance or resolution approved by the Board of Mayor and Council.

Members of the Board of Mayor and Council may be provided fringe benefits as approved by the Board of Mayor and Council.

SECTION 8. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article V, Section (A) by deleting the language "A minimum of two-thirds (2/3) affirmative vote of members of the Board of Mayor and Commissioners shall be required to dismiss the City Administrator" and by substituting instead the language "A majority vote of the members of the Board of Mayor and Council shall be required to dismiss the City Administrator."

SECTION 9. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article V, Section (B) by deleting the language "In the event that the Board of Mayor and Commissioners chooses not to fill the position of City Administrator, the Mayor shall have all powers that a City Administrator would have." and by substituting instead the language "In the event that the Board of Mayor and Council choose not to fill the position of City Administrator, the Mayor, or some other person, may be designated to assume all powers that the City Administrator is granted under this Charter, or any other law of the city or state."

SECTION 10. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article VI by deleting Section (A) in its entirety and by substituting instead the following:

(A) The Recorder may be appointed by the City Administrator subject to the approval of the Board of Mayor and Council and may be the head of the Department of Finance. The Recorder shall receive compensation and fringe benefits in accordance with the City's compensation policies and give such bond to the City as may be provided by ordinance. The Recorder shall, by his signature and the City seal, attest all instruments signed in the name of the City and all official acts of the

Mayor. He shall have power to administer oaths.

SECTION 11. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article VI, Section (B) by deleting paragraph (4) in its entirety and by renumbering the subsequent paragraphs accordingly.

SECTION 12. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article VI, Section (B) by deleting from paragraph (5) the word "shall" and by substituting instead the word "may".

SECTION 13. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article VI, Section (B) by deleting paragraph (6) in its entirety and by renumbering the subsequent paragraphs accordingly.

SECTION 14. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IX, Section (C) by deleting in its entirety the last sentence which reads as follows:

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Administrator deems desirable or the Mayor may require.

AND FURTHER AMEND by substituting instead the following:

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as required by the State Comptroller's office.

SECTION 15. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article IX, Section M, by deleting the third sentence in its entirety which reads as follows:

The City shall have the power to reject any and all bids. Public advertisement

and sealed bids shall be required, unless otherwise provided by state law, in all transactions involving the expenditure of eight thousand dollars (\$8,000), or such larger amount as provided by state law, within one (1) fiscal year; provided, that in cases where the Board of Mayor and Commissioners indicates by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the City Administrator, that it is clearly to the advantage of the City not to contract with competitive bidding, it may authorize noncompetitive contracts.

AND FURTHER AMEND by substituting instead the following:

The City shall have the power to reject any and all bids. Public advertisement and sealed bids shall be required, unless otherwise provided by state law, in all transactions involving the expenditure of eight thousand dollars (\$8,000), or such larger amount as provided by state law, within one (1) fiscal year.

SECTION 16. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article XII, Section (B) by deleting paragraphs (2) and (3) in their entirety.

SECTION 17. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter 17 of the Private Acts of 2001, and any other acts amendatory thereto, is amended in Article XII, Section (I), by deleting paragraph (3) it in its entirety and by substituting instead the following:

(3) Publication of notice in a newspaper of general circulation that charter amendments have been proposed and that the text is available at the office of the city administrator and the public library.

SECTION 18. The following related acts are repealed and deleted in their entirety from this Charter: Chapter 434 of the Acts of 1905, Chapter 658 of the Private Acts 1923, Chapter 496 of the Private Acts of 1927, Chapter 17 of the Private Acts of 1951, and Chapter 97 of the Private Acts of 1973.

SECTION 19. Chapter 457 of the Acts of 1901, as amended and rewritten by Chapter

17 of the Private Acts of 2001, and any other acts amendatory thereto, being the entire charter of the City of Lawrenceburg, is amended by deleting the language "commissioner(s)" wherever it appears and by substituting instead the language "council member(s)", and by deleting the language "Board of Mayor and Commissioners" wherever it appears and by substituting instead the language "Board of Mayor and Council".

SECTION 20. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Lawrenceburg within thirty (30) days of its signing by the governor of this state. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 21. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 20.